

caused by the release or threatened release of hazardous substances into the environment from the East Plant site; and (2) to evaluate alternatives for the appropriate remedial action to prevent or mitigate the migration or the release or threatened release of hazardous substances from the Site, which includes evaluation of past remediation at the site and to evaluate the need for and appropriate extent of additional remedial action, if any.

As part of the RI/FS, a risk assessment was conducted. The purpose of the risk assessment was to determine the present or future potential adverse effects of the Site on public health and the environment. This assessment led to the identification of the BHC in the groundwater. Groundwater was sampled and analyzed for BHC. One of the isomers of BHC, known as "gamma" isomer, or lindane, is a priority pollutant. Lindane was detected in groundwater immediately downgradient of the disposal mound during the RI. Contamination levels are lower than the Maximum Contaminant Level (MCL) confirmed by the body of data accumulated during quarterly monitoring program.

The data also show that these low levels of lindane are declining and are well below the Maximum Contaminant Level Goal (MCLG) of 0.2 ppb. All other ground-water sampling locations, on and off-site, showed no detectable lindane. The levels of lindane detected in soil were well below the 50 ppb target cleanup values established and implemented in 1980.

On June 22, 1988, the Regional Administrator of U.S. EPA Region V, approved a Record of Decision which selected the No Action alternative (monitoring and maintenance of existing system) as the preferred remedy for the IMC East Plant Site. This remedy includes periodic monitoring of groundwater, fence maintenance, and long-term maintenance of the cover system. All materials, including the soil disposed of in the clay-capped mound, would be left in place.

As part of the No Action remedy, the IMC Corporation, present owner of the IMC East Plant Site, will continue to monitor the groundwater semi-annually for the next 5 years and annually thereafter; maintain cap and site security; and, maintain deed restrictions on the site land use. There will be a performance and maintenance review every 5 years with U.S. EPA.

Concentrations of lindane in the groundwater declined relatively quickly after the construction of the mound, and has continued to decline since early 1983. Groundwater cleanup has occurred

to MCLG levels, and contaminant concentrations continue to decline. The capping systems, fence, ground cover and monitoring program are reliable systems for prevention of contamination migration. Because the monitoring points are close to the mound, and because current groundwater contaminant levels are well below drinking water standards, early detection is possible, and no impact on downgradient groundwater users is anticipated.

The public health is further protected by the 5-year review of the selected remedy, as required by section 121 (b)(2)(c) of SARA. Under the No Action scenario, contaminants would remain on-site, requiring review of the remedy at least every 5 years to assure protection of human health and the environment. If action under section 104 or 106 is appropriate, such action will be taken at that time.

The capping system, fencing, and ground cover are already in place and have proven effective over the past seven years of the record. Deed restrictions will state that no private use of this site will be permitted for the 30-year period. Therefore, the site remediation objectives, with respect to public health and environmental impacts, have been attained.

EPA, with the concurrence of the Indiana Department of Environmental Management, has determined that all appropriate Fund-financed responses under CERCLA at the IMC site have been completed, and no further cleanup by the responsible parties is appropriate.

Dated: September 7, 1989.

Frank M. Covington,

Acting Regional Administrator.

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BILLING CODE 6560-50-M

40 CFR Part 300

[SW-FRL-3649-4]

National Oil and Hazardous Substance Contingency Plan; The National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete site from the National Priorities List; request for comments.

SUMMARY: The Environmental Protection Agency (EPA) announces its intent to delete the Petersen Sand and Gravel site from the National Priorities List (NPL) and requests public comment. The NPL is Appendix B to the National Oil and

Hazardous Substance Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). This action is being taken by EPA, because it has been determined that all Fund financed response under CERCLA have been implemented and EPA, in consultation with the State, had determined that no further cleanup is appropriate. The intention of this notice is to request public comment on the intent of EPA to delete the Petersen Sand and Gravel site.

DATE: Comments concerning the proposed deletion of site may be submitted on or before October 23, 1989.

ADDRESSES: Comments may be mailed to David P. Seely, Remedial Project Manager, U.S. EPA, Office of Superfund, 230 S. Dearborn St., Chicago, Illinois, 60604. The comprehensive information on the site is available at your local information repository located at: Lake/Cook Memorial Library, 413 N. Milwaukee, Libertyville, Illinois, 60048.

Request for comprehensive copies of documents should be directed formally to the appropriate Regional Docket Office. Address for the Regional Docket Office is C. Freeman (5HS-12), Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-6214.

FOR FURTHER INFORMATION CONTACT: David P. Seeley, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-7058 or Mary Ann Croce, 5PA-14, Office of Public Affairs, Region V, U.S. EPA, 230 S. Dearborn Street, Chicago, Illinois, 60604, (312) 886-1728.

SUPPLEMENTARY INFORMATION:

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I. Introduction

The Environmental Protection Agency (EPA) announces its intent to delete the Petersen Sand and Gravel site from the National Priorities list (NPL), Appendix B, of the National Oil and Hazardous Substance Contingency Plan (NCP), and requests comments on the deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Superfund (Fund) financed remedial actions. Any sites deleted from the NPL remain eligible for Fund-financed remedial actions in the

unlikely event that the conditions at the site warrant such action.

The site EPA intends to delete from the NPL is Petersen Sand and Gravel, Libertyville, Illinois.

The EPA will accept comments on this proposed deletion for 30 days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action and those that the Agency is considering using for future site deletions. Section IV discusses the history of the site and explains how the site meets the deletion criteria.

The Agency believes it is appropriate to review all sites being considered or proposed for deletion from the NPL, including the site being noticed today, to determine whether the requirement for a five-year review (under CERCLA section 121(c)) applies. This is consistent with the intent of the statement in the Administrator's *Management Review of the Superfund Program* (the "90-day Study"), that "EPA will modify Agency policy so that no site, where hazardous substances remain, will be deleted from the NPL until at least one five year review is conducted and the review indicates that the remedy remains protective of human health and the environment." EPA will shortly issue its policy on when and how five-year review sites may be deleted from the NPL. This policy may have an effect on the timing of site deletions proposed in this and other notices.

II. NPL Deletion Criteria

The 1985 amendments to the NCP established the criteria the Agency uses to delete sites from the NPL. 40 CFR 300.66(c)(7), provide that sites "may be deleted from or recategorized on the NPL where no further response is appropriate". In making this determination EPA will consider whether any of the following criteria has been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required.

(ii) All appropriate Fund-financed responses under CERCLA have been implemented; and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate.

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

Before deciding to delete a site, EPA must make a determination that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of the site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future conditions warrant such actions.

§ 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for information purposes and to assist in Agency management.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.66(c)(7) has been met, EPA may formally begin deletion procedures. The first steps are the preparation of a Superfund Close-Out Report and the updating of the local information repository and the Regional deletion docket. These actions have been completed. This **Federal Register** notice, and concurrent notice in the local newspaper in the vicinity of the site, announce the initiation of a 30-day public comment period. The public is asked to comment on EPA's intention to delist the site from the NPL; all critical documents needed to evaluate EPA's decision are generally included in the information repository and the deletion docket.

Upon completion of the public comment period, the EPA Regional Office will prepare a Responsiveness Summary to evaluate and address concerns which were raised. The public is welcome to contact the EPA Regional Office to obtain a copy of this responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate, a final notice of deletion will be published in the **Federal Register**. However, it is not until the next official NPL rulemaking that the site would be actually delisted.

IV. Basis for Intended Site Deletion

The following summary provides the Agenda's rationale for intending to delete this Site from the NPL "Petersen Sand and Gravel Superfund Site", Libertyville, Illinois

The Petersen Sand and Gravel Site is located northeast of the intersection of Routes 21 and 137, approximately one

mile north of Libertyville, Illinois. The site is comprised of about 20 acres in the northwest corner of the Petersen Sand and Gravel Pit. This area was used for the disposal of miscellaneous debris and hazardous materials including paint, paint waste and solvents.

Between 1955 and 1958, Mr. Petersen started allowing dumping of refuse in a 3-to-4 acre worked-out portion of the gravel pit. The refuse supposedly consisted primarily of construction debris, trees, tires, and other nonhazardous materials. When Mr. Petersen began accepting hazardous materials at the site is unknown.

In 1971, Petersen requested and was denied a landfill permit. Also in 1971, the Illinois Environmental Protection Agency (IEPA) investigated reports of illegal dumping and ordered immediate closure of the site. In 1973, the Illinois Pollution Control Board ordered Petersen to remove some of the wastes and cover refuse, among other requirements. Local residents reported in 1976 that approximately 500 drums of waste had not been removed. Between 400 and 500 55-gallon drums of paint and solvent wastes were removed from the site in 1977 by Mr. Petersen at the advice of the Illinois Attorney General.

In 1979, the Lake County Forest Preserve District (LCFPD) purchased a tract of land along the east bank of the Des Plaines River which included the pit. They are planning to make the area into a recreational lake after mining operations are completed by Lake County Grading.

The Lake County Grading Company, which took over the mining operation in 1983, discovered buried drums during grading operations. Later that year, approximately 500 drums of solvents and 1,000 paint cans, along with contaminated soils were removed by a clean-up contractor for the LCFPD.

The Petersen Sand and Gravel Site was placed on the NPL on October 15, 1984.

In 1985, IEPA and U.S. EPA signed a cooperative agreement for the IEPA to perform a Remedial Investigation/Feasibility Study (RI/FS) at the site.

In January 1986, Planning Research Corporation (PRC) began RI/FS work under contract with IEPA. Field investigations by the IEPA and U.S. EPA took place between October 1986 and December 1987. A final RI Report was completed in April 1988. The RI studied the surface soils, soil borings, groundwater, surface water and sediments. Sample analyses showed that the previous removal actions removed all contamination to minimum levels. Since the RI indicated that the

site no longer posed a threat to public health and the environment, the EPA concluded that an FS was not necessary.

On September 14, 1988, Region V approved a Record of Decision (ROD) which selected the No Further Action remedy for the site. The selected remedy does not require any additional monitoring of the site. The Illinois Environmental Protection Agency (IEPA), concurred with the ROD on August 4, 1988. IEPA has also concurred with the EPA's intent to delete the site from the NPL.

The IEPA's community relations staff conducted an active campaign to ensure that the residents and local officials were well informed about the activities at the site. Community relations activities included public meetings, press releases, progress fact sheets, and establishing and maintaining an information repository. These activities were ongoing from the inception of the RI to the signing of the ROD. The selected remedy of No Further Action was presented in the June 1988 Proposed Plan and the June 21, 1988 public meeting. The public reaction to the selected remedy has been positive. U.S. EPA plans to continue community relations activities throughout the deletion process.

EPA, in consultation with the State of Illinois, has determined that all appropriate Fund-financed responses under CERCLA have been implemented at the Petersen Sand and Gravel Site and that no further cleanup is appropriate.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 89-22418 Filed 9-21-89; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 11

Natural Resource Damage Assessments

AGENCY: Department of the Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of the Interior (Department) intends to revise the type A natural resource damage assessment procedure for coastal and marine environments, codified at 43 CFR part 11, to conform with recent court rulings. The natural resource damage assessment regulations were developed pursuant to section 301(c) of the Comprehensive Environmental

Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The Department promulgated two types of assessment regulations: Standard procedures for simplified assessments requiring minimal field observations (type A procedures); and procedures for detailed assessments in individual cases (type B procedures).

In an earlier **Federal Register** Notice, the Department announced its intent to begin the biennial review of the type A procedure for coastal and marine environments. The Department is now requesting additional public comments and technical information that may assist the Department in complying with the issues remanded to the Department by the court, specifically, the incorporation of restoration or replacement values and the inclusion of all reliably calculated lost use values, with no required hierarchy of methodologies for conducting those valuations. This notice deals solely with the type A rule for coastal and marine environments pursuant to the issues remanded by the court. The Department's actions on the type B rule and the type A rule for Great Lakes environments are the subjects of separate notices in today's **Federal Register**.

DATE: Comments will be accepted through October 23, 1989.

ADDRESS: Office of Environmental Project Review, *Attn: NRDA Coastal and Marine Type A Rule*, Room 2340, Department of the Interior, 1801 C Street, NW., Washington, DC 20240 (Regular business hours 7:45 a.m. to 4:15 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: David Rosenberger or Linda Burlington at (202) 343-1301.

SUPPLEMENTARY INFORMATION:

I. Background

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9601 *et seq.*, provides that, in addition to cost-recovery for response and cleanup actions, natural resource trustees may recover damages for injury to natural resources, including the reasonable costs of assessing such injury, plus any prejudgment interest. Federal and State natural resource trustees may bring an action for damages under section 107(f) of CERCLA and section 311(f) (4) and (5) of the Clean Water Act (CWA), 33 U.S.C. 1321(f) (4) and (5) (also known as the Federal Water Pollution Control Act). Indian tribes may commence an action as natural resource trustees under section 126(d) of CERCLA. The

damages that may be sought by natural resource trustees are for the injury to, destruction of, or loss of natural resources resulting from a discharge of oil or a release of a hazardous substance. Section 107 also requires that all sums recovered as damages must be used only to restore, replace, or acquire the equivalent of such natural resources.

Section 301(c) of CERCLA requires the promulgation of regulations for the assessment of damages for injury to, destruction of, or loss of natural resources resulting from a discharge of oil or a release of a hazardous substance for the purposes of CERCLA and Section 311(f) (4) and (5) of the CWA. Section 301(c) calls for the natural resource damage assessment regulations in the following terms:

(2) Such regulations shall specify: (A) Standard procedures for simplified assessments requiring minimal field observation, including establishing measures of damages based on units of discharge or release or units of affected area, and (B) alternative protocols for conducting assessments in individual cases to determine the type and extent of short- and long-term injury, destruction, or loss. Such regulations shall identify the best available procedures to determine such damages, including both direct and indirect injury, destruction, or loss and shall take into consideration factors, including, but not limited to, replacement value, use value, and ability of the ecosystem or resource to recover.

(3) Such regulations shall be reviewed and revised as appropriate every two years.

Pursuant to its delegated responsibilities under CERCLA, the Department has promulgated various final rules for the assessment of damages for injuries to natural resources in the following rulemakings: (1) August 1, 1986 (51 FR 27674), type B procedures and general administrative process for conducting natural resource damage assessments; (2) March 20, 1987 (52 FR 9042), type A procedures for coastal and marine environments; (3) February 22, 1988 (53 FR 5166), amendments to 43 CFR part 11 to conform with amendments to CERCLA brought about by SARA; and (4) March 25, 1988, technical corrections to a computer model called the Natural Resource Damage Assessment Model for Coastal and Marine Environments (NRDAM/CME) incorporated by reference in the type A procedure for coastal and marine environments (53 FR 9769). These rules together comprise the natural resource damage assessment regulations, codified at 43 CFR part 11.

As part of its continuing responsibility for the rules, the Department issued an Advance Notice of Proposed Rulemaking (ANPRM) on February 1,